

REMARKS

Claims 1-24 are pending in the present application.

Claim objections:

The Examiner objected to various claims with respect to informalities. Applicant thanks the Examiner for the detailed list. In the amended claims all these proposed changes/amendments have been made. No further amendments have been made.

Claim rejection under 35 USC §102:

Claims 1-5, and 12-17 have been rejected under 35 U.S.C. 102, as being anticipated by Lubbers et al.(US 6,149,248).

The Examiner states that Lubbers discloses all the limitations of the currently pending claims 1-5, and 12-17. Applicant respectfully disagrees. Independent Claims 1 and 12 include the limitations of detecting dynamics of vehicle movement and of analyzing these dynamics to detect vehicle instability. The Examiner points out that Lubbers teaches to detect vehicle movement by way of an accelerometer or wheel speed sensor in col. 9, lns 51-53. However, Lubbers does not teach to use this information to determine the stability of the vehicle. Lubbers merely determines the rate of the current deceleration. Based upon this rate, the pressure supplied to the brake booster can be increased to increase the braking force. See col. 10, lns. 10-16. The present application uses a completely different parameter to determine whether the braking force has to be increased. This parameter is the stability of the vehicle. To determine the stability of a vehicle certain parameters are necessary as disclosed on page 7, paragraph [0023]. Even though the rate of deceleration can be used to determine the stability of the vehicle, this parameter by itself will not be enough to determine stability. Therefore, Lubbers neither teaches nor suggest to control the braking force in case of an instability of the vehicle. Lubbers merely discloses a variable braking force depending on the rate of deceleration of the vehicle. In summary, independent claims 1 and 12 are, therefore, allowable. The dependent claims 2-5, and 13-17 include all the limitations of the respective independent claims. Thus, these claims are patentable at least to the extent of the independent claims.

Claim rejection under 35 USC §103:

Claims 6, 7, 18 and 19 have been rejected under 35 U.S.C. 103, as being unpatentable over Lubbers et al. in view of Sato (US 4,146,108). Again, the Examiner uses the same arguments with respect to Lubbers. As stated above Lubbers does not anticipate the independent claims 1 and 12. Claims 6, 7, 18 and 19 are dependent on either claim 1 or claim 12 and include all the limitations of the respective independent claims. Thus, these claims are patentable at least to the extent of the independent claims.

Claims 8, 9 and 20-22 have been rejected under 35 U.S.C. 103, as being unpatentable over Lubbers et al. in view of Kircher (US 4,658,939). Claim 8 and 20 are an independent claims including inter alia the limitation of detecting dynamics of vehicle movement and analyzing these dynamics to detect vehicle instability. Thus, the same arguments as stated above apply with respect to the detection of a vehicle instability. Again, the Examiner uses the arguments made with respect to independent claims 1 and 12. As stated above Lubbers does not anticipate the independent claims 1 and 12 and, therefore, does not anticipate claims 8 and 20. Claims 9 and 21-22 are dependent on either claim 8 or claim 20 and include all the limitations of the respective independent claims. Thus, these claims are patentable at least to the extent of the independent claims 8 or 20.

Claims 10, 11, 23 and 24 have been rejected under 35 U.S.C. 103, as being unpatentable over Lubbers et al. of Kircher (US 4,658,939) and in further view of Sato (US 4,146,108). Again, the Examiner uses the same arguments with respect to Lubbers. As stated above Lubbers does not anticipate the independent claims 8 and 20. Claims 10, 11, 23 and 24 are dependent on either claim 8 or claim 20 and include all the limitations of the respective independent claims. Thus, these claims are patentable at least to the extent of the independent claims.

CONCLUSION

The application as defined in the pending claims is patentable under 35 U.S.C. §102 and §103 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*,) Order Number 070255.0611.

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